

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	)	Case No. 19-15642
	)	
Tareq A. Allan,	)	Chapter 7 Case
	)	
Debtor.	)	Judge Jessica E. Price Smith

**MOTION OF RAID A. ALLAN FOR RELIEF FROM STAY  
AND ABANDONMENT**

**THIS MOTION DOES NOT CONFORM TO THE STANDARDIZED FORM PROMULGATED IN THIS COURT BY LOCAL RULE 4001-1 BECAUSE THE MOVANT’S CLAIMS ARE NOT BASED UPON AN INSTALLMENT OBLIGATION. COMPLETE DEVIATION IS PERMITTED BY LOCAL RULE 4001-1(a).**

Now comes Raida A. Allan (“Movant”), by and through her counsel, and respectfully moves the Court, pursuant to §§361, 362, 363 and other sections of the Bankruptcy Code, Bankruptcy Rules 4001 and 6007 and Local Bankruptcy Rule 4001-1, for an Order granting relief from the stay imposed by §362(a) of the Bankruptcy Code to enable her to continue to prosecute a pending action against the debtor and other non-debtor parties to avoid pre-petition fraudulent conveyances and, in support of this motion, Movant states as follows:

1. This case was commenced by the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on September 10, 2019.
2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334. This is a core proceeding as that term is defined in 28 U.S.C. §157(b)(2). The venue of this case and this motion is proper pursuant to 28 U.S.C. §§1408 and 1409.

3. On April 20, 2018, Movant and the debtor were divorced pursuant to the terms of Judgment Entry for Divorce entered in Case No. DR 15 355865, Court of Common Pleas, Domestic Relations Division, Cuyahoga County, Ohio (the “Divorce Judgment”). Pursuant to the terms of the Divorce Judgment, Movant is owed by debtor as and for spousal support and child support the amount of not less than \$485,873.41.

3. Subsequent to the entry of the Divorce Judgment, Movant commenced an action in the Court of Common Pleas, Cuyahoga County, OH, against the debtor, Quais Allan (the debtor’s brother), 871 Rocky River Drive, Inc. (“Rocky River”) and Pearl Road, Inc. (“Pearl”) seeking to avoid as fraudulent the debtor’s alleged transfers of his interests in Rocky River and Pearl. That litigation is identified as Case No. CV 18 907570 on the docket of said court (the “Cuyahoga County Litigation”) and is currently pending.

3. To the extent the defendants in the Cuyahoga County Litigation are found to have liability to Movant, the proceeds of that claim are, arguably, property of this bankruptcy estate. However, in light of the amount of Movant’s claim in the bankruptcy case and her position of first priority pursuant to §507(a)(1) of the Bankruptcy Code, it is highly unlikely that any proceeds of the Cuyahoga County Litigation, if successful, would benefit any parties in the bankruptcy case other than Movant. Therefore, the claims in the Cuyahoga County Litigation are of inconsequential value and benefit to the estate because no proceeds will benefit the estate, other than to benefit Movant.

4. As a result, it would be in the best interests of all parties for the Court to grant this motion, terminate the stay of §362(a) to permit the Cuyahoga County

Litigation to proceed to conclusion and authorize and direct the trustee to abandon such claims.

WHEREFORE, Movant prays for an order of this Court:

- (a) Granting Movant relief from the automatic stay of §362(a) of the Bankruptcy Code to permit Movant to proceed with the Cuyahoga County Litigation under applicable nonbankruptcy law; and
- (b) Authorizing and directing the Chapter 7 Trustee to abandon his interest in the Cuyahoga County Litigation pursuant to the provisions of §554 of the Bankruptcy Code.

/s/ David O. Simon

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Attorney for Movant

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 11<sup>th</sup> day of December, 2019, he did serve the foregoing Motion of Raida Allan for Relief From Stay and Abandonment electronically upon the following:

- Robert D. Barr [rbarr@koehler.law](mailto:rbarr@koehler.law) , [rbarr@koehler.law](mailto:rbarr@koehler.law)
- Mary E. Papcke [marypapcke@cox.net](mailto:marypapcke@cox.net), [legalss@legalss.com](mailto:legalss@legalss.com)
- Alan J. Treinish [alan@treinishlpa.com](mailto:alan@treinishlpa.com)
- United States Trustee (Registered address)@usdoj.gov

and by regular U.S. mail upon:

Tareq A. Allan  
PO Box 30416  
Middleburg Heights, OH 44130

/s/ David O. Simon